



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 31 1986

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Responses to Two VOC Questions Raised by the
Regional Offices

FROM: Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Air Management Division Directors
Regions I, III, V and IX

Air and Waste Management Division Director
Region II

Air, Pesticides, and Toxics Management Division
Directors
Region IV and VI

Air and Toxics Division Directors
Regions VII, VIII and X

Attached to this memorandum are responses to two issues identified by the Regional Offices and DOJ through the VOC Compliance Workgroup. As you may know, nineteen VOC issues were being presented as current impediments to Regional and State efforts in returning VOC violators to compliance. In the process of preparing these responses, it became evident that they could not all be issued under one cover. Some required briefings for the AA for OAR and OECM while others, like the attached two, dealt with internal, essentially administrative issues and this justified a response from SSCD.

On June 27, 1985, the first draft of the attached two responses, as well as draft responses to many of the other nineteen issues, were circulated for comment. On August 21 and 22, 1985 various Regional and Headquarters representatives met to discuss these first drafts. A second draft of these issues was circulated on December 12. The attached responses incorporates the various comments received.

FEB 25 1998
ECDC

I appreciate your efforts in commenting on the various drafts of these two issues, as well as the others. With this memorandum and OECM's memorandum of January 17, 1986 entitled "Issues #3(e) and #5 of the VOC Issue Resolution Process: Establishing Proof of VOC Emissions Violations, and Bubbles in Consent Decrees Resolving Civil Actions under Section 113(b) of the Clean Air Act," four issues have now been addressed. We expect an additional five issues to be addressed by final guidance within the next two weeks and are working to expedite the remaining responses.

If you have any questions, please call Steve Hitte at 382-2829.



Edward E. Reich

Attachments

cc: VOC Compliance Workgroup
Regional Counsels, Regions I-X

Issue:

At the present time all Class A1 and A2 VOC sources in the New York City (NYC) Metropolitan AQCR have been identified and verified, and those which are out of compliance have been placed on the significant violator list. Region II would like to have all Class B VOC sources which have an ERP > 50 TPY and are out of compliance, placed on the significant violator list. By doing this the Region would be able to more accurately reflect its continuing enforcement effort in the NYC Metropolitan area, currently non-attainment for VOCs.

Response:

As noted in the Agency Operating Guidance for FY 1986-1987, SSCD will be developing a strategy that addresses Class B VOC violators in ozone non-attainment areas where control of such sources is essential to attainment. This strategy will become operational in FY 1987 (see attached for initial thinking on the elements of this strategy). One issue to be considered is the possibility of expanding the significant violator definition in FY 1987 to include selected Class B sources.



Edward E. Reich, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

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G. Class B VOC Sources

Develop general and area-specific strategies for dealing with Class B VOC sources. Elements of the strategies would have to include:

- (1) identification of which source categories with substantial numbers of Class B sources are significant contributors to nonattainment in the areas of concern
- (2) analysis of relative amounts of reductions likely to be obtainable from such source categories, to determine the most cost-effective areas of focus, nationally and in each geographic area
- (3) identification of the status of regulation of such source categories in areas where they are important and additional regulatory actions possible
- (4) inventorying Class B sources (or at least the larger Class B sources) in the source categories of concern to each area
- (5) determining compliance status of Class B sources of concern in each area
- (6) initiation of appropriate enforcement actions to resolve violations

From a national perspective, strategy development would have to consider:

- (1) compliance determination approaches for large numbers of small sources
- (2) expansion of "t and a" and significant violator concepts to selected Class B VOC sources
- (3) mechanisms for obtaining compliance less resource-intensive than traditional approaches
- (4) penalty policies and methods of assessment
- (5) public and industry education programs to enhance voluntary compliance
- (6) mechanisms for handling compliance data and any necessary modifications to CDS guidance

To begin to address the Class B VOC problem:

- (1) SSCD has committed to develop during FY 1986 a strategy (or strategies) for dealing with Class B VOC sources in areas where their control is important for attainment
- (2) The FY 1986 grants allocation targets \$1 million for States to develop and refine Class B VOC inventories
- (3) The draft FY 1987 budget contemplates expanded efforts to address Class B sources, as well as implementation of a Reasonable Efforts Program

Issue:

It has become apparent that EPA is taking a tougher enforcement stance on the round II CTG's than was evident in round I. Notice of this change came through the August 17, 1984 Lillquist letter which was an attachment to the October 2, 1984 memorandum on coordinating key issues in VOC cases from Micheal Alushin, Associate Enforcement Counsel. Although Region III generally supports this change in policy, we are extremely concerned about the method and timing of disseminating this policy.

This tougher stance on compliance represents a significant shift in policy. The novel distribution approach of attaching it to a memorandum which appears to have been intended for limited distribution leaves much to be desired. States have been negotiating schedules over the past year which reflect EPA's more laissezfaire enforcement posture taken on the round I CTG's. This change in policy is coming to them (and us) about one year late. As a result, it will disrupt the processing of orders and SIP's negotiated by States under our previous enforcement posture and strain EPA/State relations.

Region III suggests that Headquarters reassess its method of policy distribution. If EPA is to ensure the timeliness and appropriateness of State enforcement activities, we must inform the States of the rules of the game in a timely and appropriate manner.

Response:

Traditionally, it is SSCD's approach to issue guidance or policy documents to the Regional Offices with ongoing staff support to respond to questions or provide clarification. Subsequently, it is incumbent upon the Regional Office to disseminate this information to its States in any manner it chooses.

In the VOC area, a Regional-Headquarters compliance workgroup was established to be a focal point for VOC issues and subsequent policy or guidance. SSCD chairs this workgroup and has distributed numerous VOC articles and policy memoranda through the workgroup members. The August 17, 1984 Lillquist letter cited in the issue was distributed to the Air Branch Chiefs on August 29, 1984, with copies to the Workgroup members (see attached).

In order to assure that all SSCD policy and guidance memoranda are being seen by the Regional Office staff, SSCD will institute a process of listing quarterly all policy and guidance memorandum that have been issued. This list will be sent to the Air Branch or Compliance Branch Chiefs. Where a memorandum on this list has not been seen by the Region, a request can be made for a copy. It will be incumbent upon the Region to assure that appropriate memoranda are distributed to the States and locals. The process of providing this listing will commence at the end of the first quarter FY 1986.



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